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12 January 2006

MEMORANDUM FOR: Chief Information Officer

FROM: Edmund Cohen
Chief, Information Management Services

SUBJECT: (U//~~AIUO~~) Implementation of Executive
Order 13392 and Executive Order 12958

1. (U//~~AIUO~~) The Central Intelligence Agency (CIA) must take four actions to implement Executive Order 13392, "Improving Agency Disclosure of Information", issued by President Bush on 14 December 2005 (Attachment A). First, the Order requires the head of CIA to designate a senior official as the Agency's Chief Freedom of Information Act (FOIA) Officer. Second, the Chief FOIA Officer must designate one or more officers as FOIA Public Liaison Officers. Third, CIA must establish a FOIA Requester Service Center. Finally, the Order requires a review of CIA's current FOIA effort; a plan to ensure compliance with the Order; and, within six months of the date of the Executive Order, a report to the Attorney General and Director of the Office of Management and Budget (OMB). In addition, we recommend that action also be taken to update the CIA's designation of a Senior Agency Official for Classification, who the head of CIA is required to designate under Executive Order 12958.

2. (U//~~AIUO~~) Designation of Chief FOIA Officer: Section 2(a) of Executive Order 13392 requires the head of each agency to designate a senior official (at the Assistant Secretary or equivalent level) as the Chief FOIA Officer for that agency by 14 January 2006 and to promptly notify the Director of OMB and the Attorney General of the designation. Among other things, the Chief FOIA Officer will have "agency-wide responsibility for efficient and appropriate compliance with the FOIA." You are the appropriate CIA official for this designation given your rank and the fact that Information Management Services (IMS), which has the responsibility for the Freedom of

SUBJECT: (U//~~AFUO~~) Implementation of Executive Order
13392 and Executive Order 12958

Information Act function, reports to you. I have attached a memorandum to the Director, Central Intelligence Agency (D/CIA) through the Director for Support seeking a delegation from the D/CIA designating you as the CIA's Chief FOIA Officer. See Attachment B for the delegation and related correspondence. I recommend that you detach this correspondence and send it to the D/CIA for signature.

3. (U//~~AFUO~~) Designation of FOIA Public Liaison Officers: Section 2(c)(ii) of Executive Order 13392 requires the Chief FOIA Officer to designate one or more officials as FOIA Public Liaisons. These officers "shall serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received" The Chief of the Information Review and Release Group (Herbert Briick) and the Information and Privacy Coordinator (Scott Koch) are best suited to carry out this function. Both are familiar with FOIA requirements (the Information and Privacy Coordinator is also the Chief of the Public Information Programs Division [PIPD], and is responsible for running the Agency's FOIA program), and both have supervisory responsibilities. I recommend that you delegate this responsibility to them, and have prepared the necessary delegation (Attachment C) for you to sign after the D/CIA appoints you as the Chief FOIA Officer.

4. (U//~~AFUO~~) Designation of FOIA Requester Service Center: Section 2(c)(i) of Executive Order 13392 requires each agency to establish a FOIA Requester Service Center where requesters can get information about the status of their cases. With your approval, I will establish this Center in the Public Information Programs Division. This Division is the most logical place for the Center because it contains the FOIA case managers, most of whom already deal with requesters daily.

5. (U//~~AFUO~~) Review of the Agency's FOIA Effort: Executive Order 13392 requires several reviews, plans, and reports that I recommend you let us prepare for your review, signature, and forwarding to the appropriate authorities. We will ensure that the documents we forward

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to you include all of the details the Executive Order requires agencies to address. In summary, the pertinent documents are:

- A review of CIA's FOIA operations to determine whether those operations are consistent with the policies of the Executive Order.
- A CIA-specific plan to ensure that the Agency's administration of the FOIA complies with the Executive Order. The plan shall cover fiscal years 2006 and 2007.
- A report from the D/CIA to the Attorney General and OMB Director summarizing the results of the aforementioned review and enclosing a copy of the plan. This report is due no later than six months from the date of the Executive Order, which would mean no later than 14 June 2006.

7. (U//~~ALUO~~) Recommendation: I recommend that that you concur in sending to the D/CIA for his signature the attachment designating you as the CIA's Chief FOIA Officer; that once you are designated as the Chief FOIA Officer, you

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designate the Chief of the Information Review and Release Group and the Information and Privacy Coordinator as the CIA's FOIA Public Liaison Officers; that you concur in my creating the FOIA Requester Services Center in the Public Information Programs Division; and that you concur in letting Information Management Services prepare the reviews, plans, and reports the Executive Order requires. I also recommend that you concur in sending to the D/CIA for his signature the attachment designating Chief, IMS as the CIA's Senior Agency Official for Classification.


Edmund Cohen

Attachments:

- A. Executive Order 13392
- B. Delegation Correspondence for
D/CIA Signature
- C. Delegation Document for
Chief FOIA Officer Signature

Sending delegation document to D/CIA designating the Chief Information Officer as the Chief FOIA Officer for CIA.

AT
Concur

Non-concur

1/12/06
Date

After becoming Chief FOIA Officer for the CIA, designating the Chief of the Information Review and Release Group and the CIA Information and Privacy Coordinator as the FOIA Public Liaison Officers.

AT
Concur

Non-concur

1/12/06
Date

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SUBJECT: (U//~~AIUO~~) Implementation of Executive Order
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Allowing the Chief, Information Management Services to
establish the FOIA Requester Service Center in the Public
Information Programs Division.

AT
Concur

Non-concur

1/12/06
Date

Allowing Information Management Services to prepare for the
Chief FOIA Officer's signature the reviews, plans, and
reports the Executive Order requires. The report to the
Attorney General and Director of the Office of Management
and Budget shall be due no later than 14 June 2006.

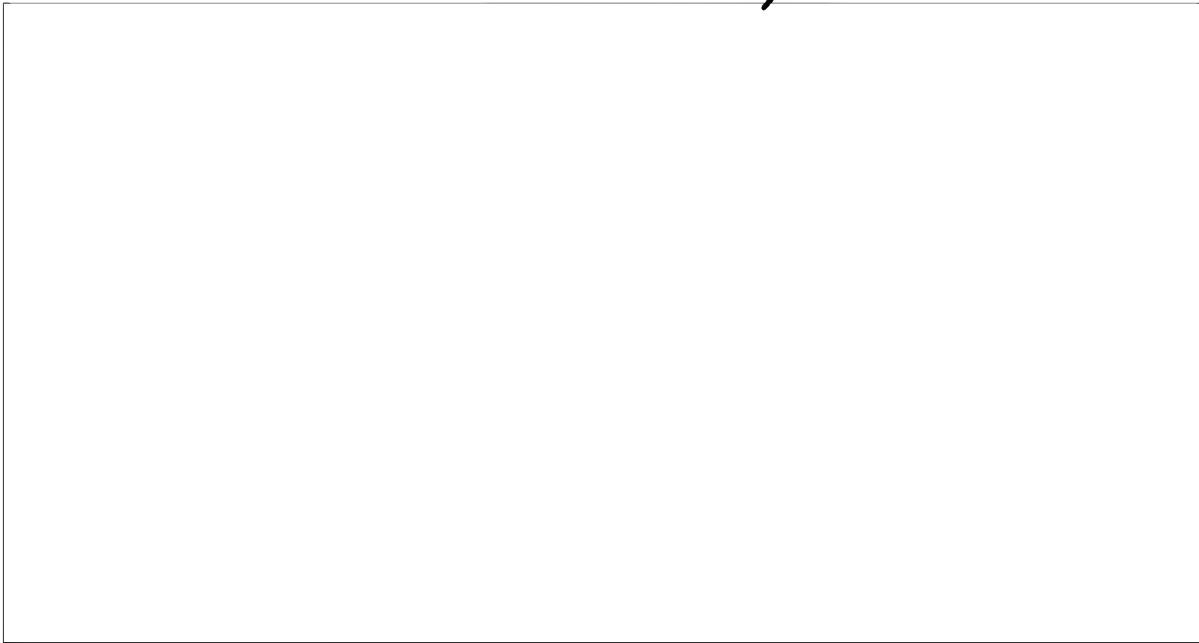
AT
Concur

Non-concur

1/12/06
Date

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EXECUTIVE ORDER 13392

The White House, President George W. Bush

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For Immediate Release
Office of the Press Secretary
December 14, 2005

Executive Order: Improving Agency Disclosure of Information

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to ensure appropriate agency disclosure of information, and consistent with the goals of section 552 of title 5, United States Code, it is hereby ordered as follows:

President George W. Bush is joined in the Oval Office, from left to right, by U.S. Rep. Todd Platts, R-Pa., U.S. Rep. Brad Sherman, D-Calif., U.S. Senator John Cornyn, R-Texas, and U.S. Rep. Lamar Smith, R-Texas, at the signing Wednesday, Dec. 14, 2005 of the Executive Order Improving Agency Disclosure of Information. White House photo by Paul Morse

Section 1. Policy.

(a) The effective functioning of our constitutional democracy depends upon the participation in public life of a citizenry that is well informed. For nearly four decades, the Freedom of Information Act (FOIA) has provided an important means through which the public can obtain information regarding the activities of Federal agencies. Under the FOIA, the public can obtain records from any Federal agency, subject to the exemptions enacted by the Congress to protect information that must be held in confidence for the Government to function effectively or for other purposes.

(b) FOIA requesters are seeking a service from the Federal Government and should be treated as such. Accordingly, in responding to a FOIA request, agencies shall respond courteously and appropriately. Moreover, agencies shall provide FOIA requesters, and the public in general, with citizen-centered ways to learn about the FOIA process, about agency records that are publicly available (e.g., on the agency's website), and about the status of a person's FOIA request and appropriate information about the agency's response.

(c) Agency FOIA operations shall be both results-oriented and produce results. Accordingly, agencies shall process requests under the FOIA in an efficient and appropriate manner and achieve tangible, measurable improvements in FOIA processing. When an agency's FOIA program does not produce such results, it should be reformed, consistent with available resources appropriated by the Congress and applicable law, to increase efficiency and better reflect the policy goals and objectives of this order.

(d) A citizen-centered and results-oriented approach will improve service and performance, thereby strengthening compliance with the FOIA, and will help avoid disputes and related litigation.

Sec. 2. Agency Chief FOIA Officers.

(a) Designation. The head of each agency shall designate within 30 days of the date of this order a senior official of such agency (at the Assistant Secretary or equivalent level), to serve as the Chief FOIA Officer of that agency. The head of the agency shall promptly notify the Director of the Office of Management and Budget (OMB Director) and the Attorney General of such designation and of any changes thereafter in such designation.

(b) General Duties. The Chief FOIA Officer of each agency shall, subject to the authority of the head of

the agency:

- (i) have agency-wide responsibility for efficient and appropriate compliance with the FOIA;
 - (ii) monitor FOIA implementation throughout the agency, including through the use of meetings with the public to the extent deemed appropriate by the agency's Chief FOIA Officer, and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing the FOIA, including the extent to which the agency meets the milestones in the agency's plan under section 3(b) of this order and training and reporting standards established consistent with applicable law and this order;
 - (iii) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to carry out the policy set forth in section 1 of this order;
 - (iv) review and report, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing the FOIA; and
 - (v) facilitate public understanding of the purposes of the FOIA's statutory exemptions by including concise descriptions of the exemptions in both the agency's FOIA handbook issued under section 552(g) of title 5, United States Code, and the agency's annual FOIA report, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply.
- (c) FOIA Requester Service Center and FOIA Public Liaisons. In order to ensure appropriate communication with FOIA requesters:
- (i) Each agency shall establish one or more FOIA Requester Service Centers (Center), as appropriate, which shall serve as the first place that a FOIA requester can contact to seek information concerning the status of the person's FOIA request and appropriate information about the agency's FOIA response. The Center shall include appropriate staff to receive and respond to inquiries from FOIA requesters;
 - (ii) The agency Chief FOIA Officer shall designate one or more agency officials, as appropriate, as FOIA Public Liaisons, who may serve in the Center or who may serve in a separate office. FOIA Public Liaisons shall serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received from the Center, following an initial response from the Center staff. FOIA Public Liaisons shall seek to ensure a service-oriented response to FOIA requests and FOIA-related inquiries. For example, the FOIA Public Liaison shall assist, as appropriate, in reducing delays, increasing transparency and understanding of the status of requests, and resolving disputes. FOIA Public Liaisons shall report to the agency Chief FOIA Officer on their activities and shall perform their duties consistent with applicable law and agency regulations;
 - (iii) In addition to the services to FOIA requesters provided by the Center and FOIA Public Liaisons, the agency Chief FOIA Officer shall also consider what other FOIA-related assistance to the public should appropriately be provided by the agency;
 - (iv) In establishing the Centers and designating FOIA Public Liaisons, the agency shall use, as appropriate, existing agency staff and resources. A Center shall have appropriate staff to receive and respond to inquiries from FOIA requesters;
 - (v) As determined by the agency Chief FOIA Officer, in consultation with the FOIA Public Liaisons, each agency shall post appropriate information about its Center or Centers on the agency's website, including contact information for its FOIA Public Liaisons. In the case of an agency without a website, the agency shall publish the information on the Firstgov.gov website or, in the case of any agency with neither a website nor the capability to post on the Firstgov.gov website, in the Federal Register; and

(vi) The agency Chief FOIA Officer shall ensure that the agency has in place a method (or methods), including through the use of the Center, to receive and respond promptly and appropriately to inquiries from FOIA requesters about the status of their requests. The Chief FOIA Officer shall also consider, in consultation with the FOIA Public Liaisons, as appropriate, whether the agency's implementation of other means (such as tracking numbers for requests, or an agency telephone or Internet hotline) would be appropriate for responding to status inquiries.

Sec. 3. Review, Plan, and Report.

(a) Review. Each agency's Chief FOIA Officer shall conduct a review of the agency's FOIA operations to determine whether agency practices are consistent with the policies set forth in section 1 of this order. In conducting this review, the Chief FOIA Officer shall:

(i) evaluate, with reference to numerical and statistical benchmarks where appropriate, the agency's administration of the FOIA, including the agency's expenditure of resources on FOIA compliance and the extent to which, if any, requests for records have not been responded to within the statutory time limit (backlog);

(ii) review the processes and practices by which the agency assists and informs the public regarding the FOIA process;

(iii) examine the agency's:

(A) use of information technology in responding to FOIA requests, including without limitation the tracking of FOIA requests and communication with requesters;

(B) practices with respect to requests for expedited processing; and

(C) implementation of multi-track processing if used by such agency;

(iv) review the agency's policies and practices relating to the availability of public information through websites and other means, including the use of websites to make available the records described in section 552(a)(2) of title 5, United States Code; and

(v) identify ways to eliminate or reduce its FOIA backlog, consistent with available resources and taking into consideration the volume and complexity of the FOIA requests pending with the agency.

(b) Plan.

(i) Each agency's Chief FOIA Officer shall develop, in consultation as appropriate with the staff of the agency (including the FOIA Public Liaisons), the Attorney General, and the OMB Director, an agency-specific plan to ensure that the agency's administration of the FOIA is in accordance with applicable law and the policies set forth in section 1 of this order. The plan, which shall be submitted to the head of the agency for approval, shall address the agency's implementation of the FOIA during fiscal years 2006 and 2007.

(ii) The plan shall include specific activities that the agency will implement to eliminate or reduce the agency's FOIA backlog, including (as applicable) changes that will make the processing of FOIA requests more streamlined and effective, as well as increased reliance on the dissemination of records that can be made available to the public through a website or other means that do not require the public to make a request for the records under the FOIA.

(iii) The plan shall also include activities to increase public awareness of FOIA processing, including as appropriate, expanded use of the agency's Center and its FOIA Public Liaisons.

(iv) The plan shall also include, taking appropriate account of the resources available to the agency and the mission of the agency, concrete milestones, with specific timetables and outcomes to be achieved, by which the head of the agency, after consultation with the OMB Director, shall measure and evaluate the agency's success in the implementation of the plan.

(c) Agency Reports to the Attorney General and OMB Director.

(i) The head of each agency shall submit a report, no later than 6 months from the date of this order, to the Attorney General and the OMB Director that summarizes the results of the review under section 3(a) of this order and encloses a copy of the agency's plan under section 3(b) of this order. The agency shall publish a copy of the agency's report on the agency's website or, in the case of an agency without a website, on the Firstgov.gov website, or, in the case of any agency with neither a website nor the capability to publish on the Firstgov.gov website, in the Federal Register.

(ii) The head of each agency shall include in the agency's annual FOIA reports for fiscal years 2006 and 2007 a report on the agency's development and implementation of its plan under section 3(b) of this order and on the agency's performance in meeting the milestones set forth in that plan, consistent with any related guidelines the Attorney General may issue under section 552(e) of title 5, United States Code.

(iii) If the agency does not meet a milestone in its plan, the head of the agency shall:

(A) identify this deficiency in the annual FOIA report to the Attorney General;

(B) explain in the annual report the reasons for the agency's failure to meet the milestone;

(C) outline in the annual report the steps that the agency has already taken, and will be taking, to address the deficiency; and

(D) report this deficiency to the President's Management Council.

Sec. 4. Attorney General.

(a) Report. The Attorney General, using the reports submitted by the agencies under subsection 3(c)(i) of this order and the information submitted by agencies in their annual FOIA reports for fiscal year 2005, shall submit to the President, no later than 10 months from the date of this order, a report on agency FOIA implementation. The Attorney General shall consult the OMB Director in the preparation of the report and shall include in the report appropriate recommendations on administrative or other agency actions for continued agency dissemination and release of public information. The Attorney General shall thereafter submit two further annual reports, by June 1, 2007, and June 1, 2008, that provide the President with an update on the agencies' implementation of the FOIA and of their plans under section 3(b) of this order.

(b) Guidance. The Attorney General shall issue such instructions and guidance to the heads of departments and agencies as may be appropriate to implement sections 3(b) and 3(c) of this order.

Sec. 5. OMB Director. The OMB Director may issue such instructions to the heads of agencies as are necessary to implement this order, other than sections 3(b) and 3(c) of this order.

Sec. 6. Definitions. As used in this order:

(a) the term "agency" has the same meaning as the term "agency" under section 552(f)(1) of title 5, United States Code; and

(b) the term "record" has the same meaning as the term "record" under section 552(f)(2) of title 5, United States Code.

Sec. 7. General Provisions.

(a) The agency reviews under section 3(a) of this order and agency plans under section 3(b) of this order shall be conducted and developed in accordance with applicable law and applicable guidance issued by the President, the Attorney General, and the OMB Director, including the laws and guidance regarding information technology and the dissemination of information.

(b) This order:

(i) shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations;

(ii) shall not be construed to impair or otherwise affect the functions of the OMB Director relating to budget, legislative, or administrative proposals; and

(iii) is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

GEORGE W. BUSH

THE WHITE HOUSE,

December 14, 2005.

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12 January 2006

MEMORANDUM FOR: Director, Central Intelligence Agency

VIA: Deputy Director, Central Intelligence Agency
Executive Director
Director for Support
Senior Deputy General Counsel

FROM: Adolfo Tarasiuk, Jr.
Chief Information Officer

SUBJECT: (U//~~AIUO~~) Designation of Chief
Freedom of Information Act Officer and
Senior Agency Official for Classification


1. (U//~~AIUO~~) Action Requested: That you designate me as the Chief Freedom of Information Act (FOIA) Officer for the Central Intelligence Agency (CIA), in accordance with section 2(a) of Executive Order 13392; and that you designate Edmund Cohen, Chief of Information Management Services (IMS), as the CIA's Senior Agency Official for Classification, in accordance with section 5.4(d) of Executive Order 12958.

2. (U//~~AIUO~~) Background and Discussion: On 14 December 2005, President Bush issued Executive Order 13392, "Improving Agency Disclosure of Information," to strengthen agency compliance with the FOIA. Section 2(a) of the Executive Order requires the head of each agency to designate a senior official (at the Assistant Secretary or equivalent level) as the Chief FOIA Officer for that agency by 14 January 2006 and to promptly notify the Director of the Office of Management and Budget (OMB) and the Attorney General of the designation. Among other things, the Chief FOIA Officer will have "agency-wide responsibility for efficient and appropriate compliance with the FOIA." As Chief Information Officer (CIO), I have the appropriate seniority, and Information Management Services, which oversees the Agency's information review

Subject: (U//~~AIUO~~) Designation of Chief
Freedom of Information Act Officer and
Senior Agency Official for Classification

and release programs, is organizationally within
Information Services Center which I head.

4. (U//~~AIUO~~) Recommendation: That you designate the CIO as the Chief FOIA Officer for the CIA (Attachments A) and sign the notification letters to the Director of OMB and the Attorney General (Attachment B). Also, that you designate the Chief, IMS as the CIA's Senior Agency Official for Classification (Attachment C). Agency regulations will be updated to reflect these designations, and to implement Executive Order 13392 generally.


Adolfo Tarasiuk, Jr.

Attachments:

- A. Designate C/FOIA Officer
- B. Letters to OMB and Attorney General
- C. Designate C/IMS as CIA's Senior
Agency Official for Classification


Subject: (U//~~AIUO~~) Designation of Chief
Freedom of Information Act Officer and
Senior Agency Official for Classification

CONCUR:




Senior Deputy General Counsel

1/23/06
Date




Director for Support

25 JAN 06
Date



Executive Director

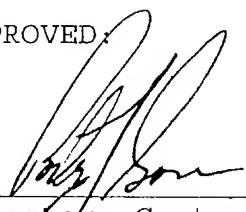
26 JAN 06
Date



Deputy Director, Central Intelligence Agency

27 JAN 06
Date

APPROVED:



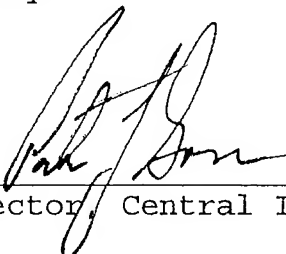
Director, Central Intelligence Agency

2/2/06
Date



DESIGNATION OF CHIEF FREEDOM OF INFORMATION ACT OFFICER
FOR THE CENTRAL INTELLIGENCE AGENCY

In accordance with section 2(a) of Executive Order 13392, dated 14 December 2005, I hereby designate Adolfo Tarasiuk, Jr., who serves as the Chief Information Officer and the head of the Information Services Center within the Directorate of Support, as the Chief Freedom of Information Act Officer for the Central Intelligence Agency.



Director, Central Intelligence Agency2/2/06
Date



Washington, D.C. 20505

[Redacted]
2 February 2006

The Honorable Joshua Bolten
Director, Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Bolten:

In accordance with section 2(a) of Executive Order 13392, dated 14 December 2005, I have designated Adolfo Tarasiuk, Jr., who serves as the Chief Information Officer and the head of the Agency's Information Services Center, as the Chief Freedom of Information Act Officer for the Central Intelligence Agency.

Should you have any questions regarding this correspondence, please contact Edmund Cohen, Chief of Information Management Services, at [Redacted]

A handwritten signature in black ink, appearing to read "Porter J. Goss".

Porter J. Goss
Director, Central Intelligence Agency



Washington, D. C. 20505

[Redacted]
2 February 2006

The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Gonzales:

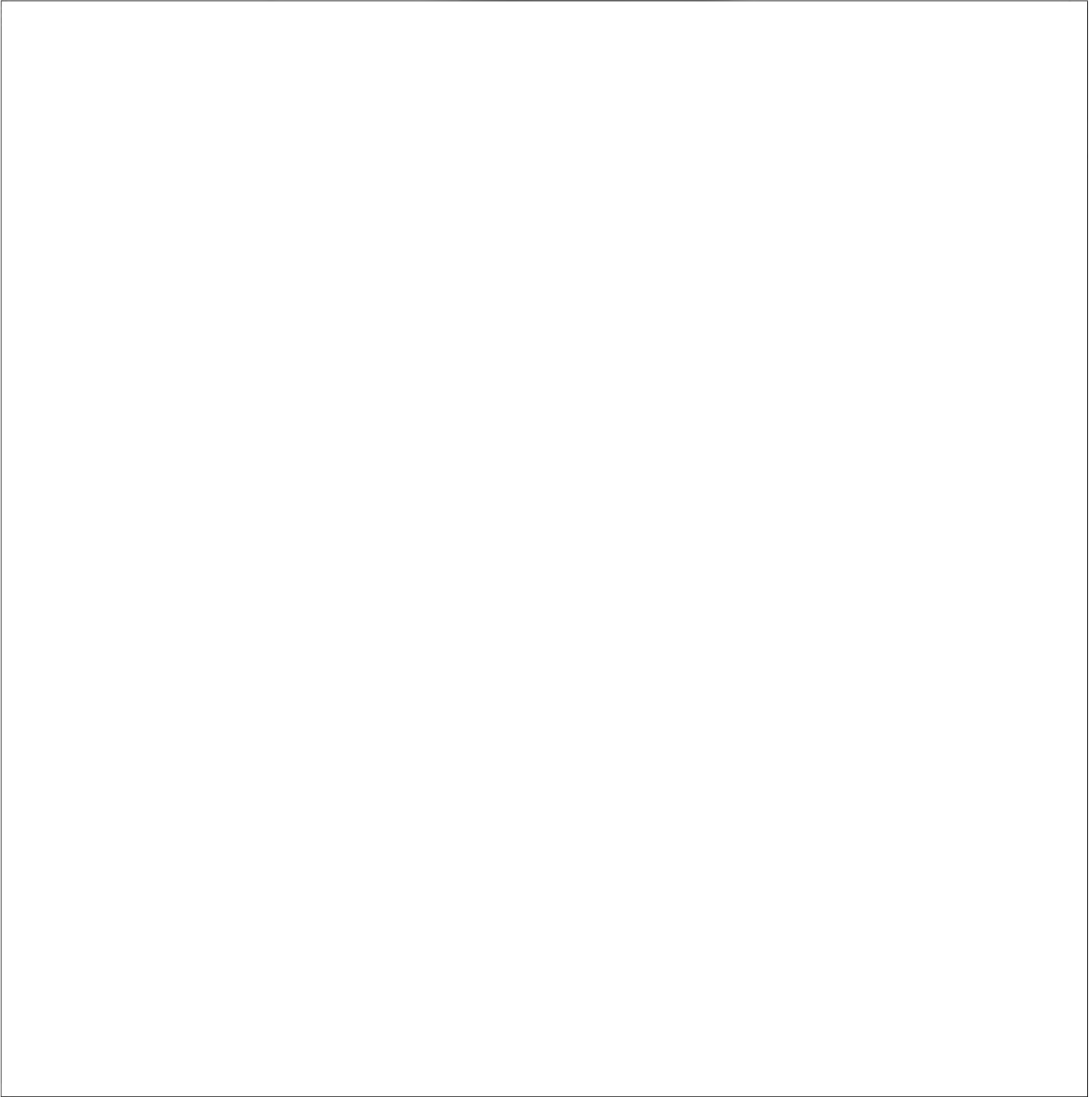
In accordance with section 2(a) of Executive Order 13392, dated 14 December 2005, I have designated Adolfo Tarasiuk, Jr., who serves as the Chief Information Officer and the head of the Agency's Information Services Center, as the Chief Freedom of Information Act Officer for the Central Intelligence Agency.

Should you have any questions regarding this correspondence, please contact Edmund Cohen, Chief of Information Management Services, at [Redacted]

A handwritten signature in dark ink, appearing to read "Porter J. Goss".

Porter J. Goss
Director, Central Intelligence Agency


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DESIGNATION OF FOIA PUBLIC LIAISON OFFICERS
FOR THE CENTRAL INTELLIGENCE AGENCY

In accordance with section 2(c)(ii) of Executive Order 13392, dated 14 December 2005, I hereby designate Herbert O. Briick., who serves as the Chief of the Information Review and Release Group within Information Management Services, and Scott A. Koch, who serves as the CIA Information and Privacy Coordinator, as the FOIA Public Liaison Officers for the Central Intelligence Agency.



Chief Freedom of Information Act Officer

2/7/06
Date